

May 20, 1975

of that hearing. At that time the testimony wasn't recorded verbatim like we have it now. Senator Frank Nelson, co-introducer of the bill and member of the committee that studied the underground water situation in the state, said that he felt that the wells that have already been put in are not protected and they might be undermined. This bill would protect these wells, so it would imply, at least the legislative intent of 109 in the '57 session the prior . . . the wells that were registered first would have some priority. I would just brought this up because I think we should have it in the record.

PRESIDENT: Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the Legislature, I think that without a doubt Senator Bereuter spoke to the point this morning. What we do here this morning is going to have serious impact upon the water rights of the State of Nebraska for a good many years. Not very many of us here this morning I am sure have read section by section, line by line LB 577, yet every person here is going to be eventually very seriously effected by the contents of the bill. Senator Bereuter's amendment is an attempt to provide that anyone who owns a piece of property shall have access to some of the water that's located beneath that property. Senator Lewis' amendment, which was added to the bill several days ago, provides for the prior right of a developing landowner. I think both men have some very good arguments on behalf of their points of view. I would suggest that rather than just to stand here this morning and try to debate as to the impact that Senator Bereuter's bill . . . or his amendment might have on the bill vs. the Lewis amendment, that we need to recognize that the Bereuter amendment does allow for development, whereas the Lewis amendment may restrict. I would hope that before you vote on this bill this morning, on this amendment specifically, that you read the amendment, that you read it, that you read the section of the bill to which it applies, and that you recognize the impact. On this floor every day each of us at one time or another casts a vote on bills with which we are not intimately familiar, we do so knowingly, we do so exercising the best judgement which we have at that time. I would urge those of you who are not closely connected with water rights, the use of water and its ultimate goal -- the preservation and enhancement of that resource, that you would recognize the seriousness of the vote you're going to cast this morning. The Constitution of the State of Nebraska recognizes the natural right of the citizens to water for domestic use and for irrigation. That's in the Constitution. Now I believe 577 properly recognizes that right that's included in the Constitution. I think that we are, at this time, premature. This bill was drafted during the session by some very fine young attorneys and other people who have knowledge of the problem. I would suggest that we do not enact the bill into law. I will do this, I will support the Bereuter amendment. I would hope that it becomes a part of the bill and that at some-